IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1253/2006
ARJUN LAL MORYA Vs. STATE OF RAJASTHAN

DATE: 26.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. R.N. Khandelwal for the accused-petitioner.
Mr. B.S. Chhaba, PP for the State.
Mr. J.R. Choudhary for the complainant.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 06.10.2006 passed by the Additional Sessions Judge (Fast Track) No.1, Jaipur District, Jaipur in Sessions Case No. 60/2006, whereby cognizance has been taken against the petitioner under Section 498-A IPC.

I have heard learned counsel for the accused-petitioner, learned Public Prosecutor for the State as well as learned counsel appearing for the complainant and have also gone through the impugned order.

The trial Court while deciding the application under Section 319 Cr.P.C. has not properly considered the age aspect and the act and has only relied upon the witnesses adduced before it and has drawn inference that the offence under Section 498-A IPC is made out against

the accused-petitioner Arjun Lal. To arrive at a conclusion after appreciation of the evidence, the Court has to examine each and every aspect cautiously, but it appears that only the point of alibi has been discussed whereas appreciation of the evidence has not been properly made.

Therefore, in the interest of justice, I deem it proper to quash and set-aside the impugned order dated 06.10.2006 passed by the Additional Sessions Judge (Fast Track) No.1, Jaipur District, Jaipur and remand the matter back to the trial Court for fresh adjudication on the application under Section 319 Cr.P.C. after giving thoughtful consideration to the evidence of the witnesses adduced before it and also consider the age factor at the relevant point of time when the allegations were levelled against the petitioner and if prima-facie case is made out against the petitioner after appreciation of the evidence, then pass appropriate order.

With the aforesaid observations, the matter is remanded back to the trial Court as indicated herein above and the revision petition stands disposed of. The interim order dated 22.11.2006 granted by this Court is hereby rejected.

(K.S. RATHORE),J.

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